

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
AT CLEVELAND**

STATE OF OHIO, ex rel. CORDRAY,)	CASE NO.: 1:09-cv-02251-JG
)	
Plaintiff,)	JUDGE: GWIN
)	
v.)	
)	
NATIONAL ENTERPRISE SYSTEMS, INC.,)	<u>ANSWER</u>
)	
Defendant.)	
)	

Now comes Defendant National Enterprise Systems, Inc. (“Defendant”) by counsel, and states as follows for its Answer to Plaintiff’s Complaint:

1. Defendant denies the allegations contained in paragraph 1 of the Complaint.
2. Defendant denies the allegations contained in paragraph 2 of the Complaint.
3. Defendant denies the allegations contained in paragraph 3 of the Complaint.
4. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint, and therefore denies said allegations.
5. Defendant admits the allegations contained in paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in paragraph 6 of the Complaint.
7. Defendant admits that under certain circumstances, it may be a “debt collector” as that term is defined in 15 U.S.C. 1692a(6). Defendant denies the remaining allegations contained in paragraph 7 of the Complaint.
8. Defendant admits the allegations contained in paragraph 8 of the Complaint.
9. Defendant denies the allegations contained in paragraph 9 of the Complaint.
10. Defendant denies the allegations contained in paragraph 10 of the Complaint.
11. Defendant denies the allegations contained in paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in paragraph 12 of the Complaint.
13. Defendant admits that it has attempted to collect on accounts through collection letters and telephone calls. Defendant denies the allegation that all of the obligors were “consumers” under R.C. § 1345.01(D). Defendant denies the remaining allegations contained in paragraph 13 of the Complaint.
14. Defendant denies the allegations contained in paragraph 14 of the Complaint.
15. Defendant denies the allegations contained in paragraph 15 of the Complaint.
16. Defendant denies the allegations contained in paragraph 16 of the Complaint.
17. Defendant denies the allegations contained in paragraph 17 of the Complaint.
18. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint, and therefore denies said allegations.
19. Defendant denies the allegations contained in paragraph 19 of the Complaint.
20. Defendant denies the allegations contained in paragraph 20 of the Complaint.
21. Defendant denies the allegations contained in paragraph 21 of the Complaint..
22. Defendant denies the allegations contained in paragraph 22 of the Complaint.
23. Defendant denies the allegations contained in paragraph 23 of the Complaint.
24. Defendant denies the allegations contained in paragraph 24 of the Complaint.
25. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 25 and therefore denies said allegations.
26. Defendant denies the allegations contained in paragraph 26 of the Complaint.
27. Defendant denies the allegations contained in paragraph 27 of the Complaint.
28. Defendant denies the allegations contained in paragraph 28 of the Complaint.
29. Defendant denies the allegations contained in paragraph 29 of the Complaint.
30. Defendant denies the allegations contained in paragraph 30 of the Complaint.
31. Defendant denies the allegations contained in paragraph 31 of the Complaint.

- 32. Defendant denies the allegations contained in paragraph 32 of the Complaint.
- 33. Due to the vagueness of the allegations, Defendant denies paragraph 33 of the Complaint.
- 34. Due to the vagueness of the allegations, Defendant denies paragraph 34 of the Complaint.
- 35. Due to the vagueness of the allegations, Defendant denies paragraph 35 of the Complaint.
- 36. Due to the vagueness of the allegations, Defendant denies paragraph 36 of the Complaint.

FIRST CAUSE OF ACTION – OHIO CONSUMER SALES PRACTICES ACT

COUNT I

- 37. All allegations incorporated by reference in paragraph 37 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 38. Defendant denies the allegations contained in paragraph 38 of the Complaint.
- 39. Defendant denies the allegations contained in paragraph 39 of the Complaint.

COUNT II

- 40. All allegations incorporated by reference in paragraph 40 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 41. Defendant denies the allegations contained in paragraph 41 of the Complaint.
- 42. Defendant denies the allegations contained in paragraph 42 of the Complaint.
- 43. Defendant denies the allegations contained in paragraph 43 of the Complaint.

COUNT III

- 44. All allegations incorporated by reference in paragraph 44 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 45. Defendant denies the allegations contained in paragraph 45 of the Complaint.
- 46. Defendant denies the allegations contained in paragraph 46 of the Complaint.

COUNT IV

- 47. All allegations incorporated by reference in paragraph 47 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 48. Defendant denies the allegations contained in paragraph 48 of the Complaint.
- 49. Defendant denies the allegations contained in paragraph 49 of the Complaint.
- 50. Defendant denies the allegations contained in paragraph 50 of the Complaint.

COUNT V

- 51. All allegations incorporated by reference in paragraph 51 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 52. Defendant denies the allegations contained in paragraph 52 of the Complaint.
- 53. Defendant denies the allegations contained in paragraph 53 of the Complaint.
- 54. Defendant denies the allegations contained in paragraph 54 of the Complaint.
- 55. Defendant denies the allegations contained in paragraph 55 of the Complaint.
- 56. Defendant denies the allegations contained in paragraph 56 of the Complaint.

COUNT VI

- 57. All allegations incorporated by reference in paragraph 57 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 58. Defendant denies the allegations contained in paragraph 58 of the Complaint.
- 59. Defendant denies the allegations contained in paragraph 59 of the Complaint.
- 60. Defendant denies the allegations contained in paragraph 60 of the Complaint.
- 61. Defendant denies the allegations contained in paragraph 61 of the Complaint.
- 62. Defendant denies the allegations contained in paragraph 62 of the Complaint.

COUNT VII

- 63. All allegations incorporated by reference in paragraph 63 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 64. Defendant denies the allegations contained in paragraph 64 of the Complaint.
- 65. Defendant denies the allegations contained in paragraph 65 of the Complaint.
- 66. Defendant denies the allegations contained in paragraph 66 of the Complaint.

COUNT VIII

- 67. All allegations incorporated by reference in paragraph 67 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 68. Defendant denies the allegations contained in paragraph 68 of the Complaint.
- 69. Defendant denies the allegations contained in paragraph 69 of the Complaint.

SECOND CAUSE OF ACTION – FDCPA

COUNT I

- 70. All allegations incorporated by reference in paragraph 70 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 71. Defendant denies the allegations contained in paragraph 71 of the Complaint.
- 72. Defendant denies the allegations contained in paragraph 72 of the Complaint.

COUNT II

- 73. All allegations incorporated by reference in paragraph 73 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
- 74. Defendant denies the allegations contained in paragraph 74 of the Complaint.
- 75. Defendant denies the allegations contained in paragraph 75 of the Complaint.
- 76. Defendant denies the allegations contained in paragraph 76 of the Complaint.

77. Defendant denies the allegations contained in paragraph 77 of the Complaint.

COUNT III

78. All allegations incorporated by reference in paragraph 78 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
79. Defendant denies the allegations contained in paragraph 79 of the Complaint.

COUNT IV

80. All allegations incorporated by reference in paragraph 80 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
81. Defendant denies the allegations contained in paragraph 81 of the Complaint.

COUNT V

82. All allegations incorporated by reference in paragraph 82 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
83. Defendant denies the allegations contained in paragraph 83 of the Complaint.

COUNT VI

84. All allegations incorporated by reference in paragraph 84 of the Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.
85. Defendant denies the allegations contained in paragraph 85 of the Complaint.
86. All remaining allegations that have not been specifically denied or admitted to herein are denied.

ADDITIONAL DEFENSES

1. Any violation of law, which is specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
2. At all pertinent times, Defendant acted in good faith.

3. At all pertinent times, Defendant acted in good faith reliance on the information provided by the creditor of the account.
4. Defendant did not make any false or misleading representations to any individuals or third parties.
5. Plaintiff lacks standing to bring claims under the Fair Debt Collection Practices Act.

WHEREFORE, Defendant requests that this Court dismiss Plaintiff's Complaint at Plaintiff's cost, and that Defendant be awarded reasonable attorney fees and costs as provided for under applicable law.

Respectfully submitted,

/s/Jeffrey C. Turner

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court on October 1, 2009, using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

/s/ Jeffrey C. Turner

Jeffrey C. Turner